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1 UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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3 Charles Everett Cook, Sylvia Mae Cook,  
and Timothy Blake Cook, natural persons,

4 Plaintiffs,

5 vs Court File 06-0022

6 City of Minneapolis, a municipal entity;  
Minneapolis Police Officer Mark Johnson, Badge  
7 #003459, in his individual, personal and official  
capacity, Sgt. D. Smulski, in his individual,  
8 personal and official capacity; Officer K. Blackwell,  
in his individual, personal and official capacity;  
9 Officer Geoffrey Toscano, Badge #007257, in his  
individual, personal and official capacity; Officer  
10 Bevsn Blauert, Badge #003459 in his individual,  
personal and official capacity; Officer Jon Petron,  
11 Badge #4671, in his individual, personal and official  
capacity; Officer Christopher House, Badge #3165, in

his

Robert

#4959, in

Officer

personal

in

Officer

personal and

in

Officer

personal

Richard

their

12 individual, personal and official capacity; Sgt.  
Kroll, Badge #003874, in his individual, personal and  
13 official capacity; Officer Christie Nelson, Badge  
her individual, personal and official capacity;  
14 William Willner, Badge #7783, in his individual,  
and official capacity; Officer Westlund, Badge #7674,  
15 his individual, personal and official capacity;  
Roger Smith, Badge #006689, in his individual,  
16 official capacity; Officer Jason King, Badge #003704,  
his individual, personal and official capacity;  
17 Timothy Hands, Badge #002660, in his individual,  
and official capacity; and Officer Jane Doe and  
18 Roe, unknown, unnamed officers of the Minneapolis, in  
personal, individual  
19 and official capacity;

20 Defendants.

- -

GEOFFREY

the

Notary

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21 Whereupon, the following deposition was taken of  
TOSCANO, pursuant to Notice, according to the Rules of  
22 Civil Procedure for the State of Minnesota, taken on  
13th day of February, 2007 before Lorie M. Jensen,  
23 Public, Washington County, Minnesota.  
24  
25

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2

1 APPEARANCES:

2

Law, 301

3 Albert T. Goins, Attorney at Law, Goins Petry

4 Fourth Avenue South, 378 Grain Exchange Building,

and

5 Minneapolis, Minnesota 55415, appearing as Counsel for

6 on behalf of the Plaintiffs;

7

Attorney's

8 Tracy Nelson, Assistant City Attorney, City

9 Office, 333 South 7th Street, Suite 300, Minneapolis,

behalf of

10 Minnesota 55402, appearing as Counsel for and on

11 the Defendants.

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1

2 INDEX:

3

4 EXAMINATION BY:

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6 Mr. Goins 4

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11 OBJECTIONS:

12 BY MS. NELSON:

13 Pages 8, 9, 11, 15, 16, 17

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and

1 Whereupon, the following proceedings were duly held

2 made a part of the record, as follows, to-wit:

3 GEOFFREY TOSCANO,

4 having been first duly sworn, was examined,

5 and testified, under oath, as follows:

6 EXAMINATION:

7 BY MR. GOINS:

8 Q. Would you state your full name please, sir?

9 A. Geoffrey Joseph Toscano.

10 Q. The spelling of Geoffrey is G-e-o-f-f-r-e-y, is  
that  
11 correct?

12 A. Correct.

13 Q. Officer Toscano, what is your current employment,  
sir?

14 A. City of Minneapolis Police Department.

15 Q. How long have you been so employed?

16 A. Ten years.

17 Q. Were you employed there on January 15th, 2005?

18 A. I was.

19 Q. At approximately 10:30 p.m.?

20 A. I was.

21 Q. Were you on duty at that time?

22 A. I was.

23 Q. Were you involved in an entrance of a residence  
24 located at 3845 2nd Avenue South in Minneapolis?

25 A. Is that the correct address?

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5

1 MR. GOINS: You can't ask your  
counsel,

report. 2 if you don't know you need to refer to your

my 3 THE WITNESS: I need to refer to

4 report.

5 Mr. Goins (Continuing)

6 Q. I'll provide you a copy of that.

7 A. I was.

8 Q. Do you recall that entry at all?

9 A. I do.

10 Q. What do you recall about it?

11 A. I recall that we were contacted by the 3rd

Precinct

12 CRT team. They advised us they had information

there

13 was a potential robbery suspect who was armed

staying

14 at that address.

15 Q. Who contacted you from 3rd Precinct?

16 A. It was Sergeant Smulski. He didn't contact me,

he

17 contacted our warrant sergeant.

18 Q. Who was that?

19 A. Sergeant Kroll.

20 Q. Sergeant Robert Kroll?

21 A. Correct.

22 Q. Were you present when he did that?

23 A. No.

24 Q. Were you at a briefing with respect to this

25 information?

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6

1 A. I was.

2 Q. What was the briefing's purpose, if you know?

3 A. It's just like any other briefing. The affiant's  
team

4 will give us the information on why the warrant  
was

5 drawn up.

6 Q. What information did you get in this case?

7 A. Like I said, that there was an armed robbery  
suspect

8 living at that address, living or staying.

9 Q. Were you shown a picture of that suspect?

10 A. I don't recall.

11 Q. Were you given any description of that suspect?

12 A. I don't recall but it's normal that we are given  
a

13 description.

14 Q. Were you told the type of warrant?

15 A. As far as?

16 Q. Well, was it a no-knock, was it a night time,  
daytime?

17 A. I can't recall what it is, what it was.

18 Q. What time did you execute the warrant?

19 A. I would have to look at my report.

20 Q. Okay.

21 A. I don't have it listed in my report what time we

22 served the warrant.

23 Q. Okay. Do you recall what time it was?

24 A. Late evening.

25 Q. Do you think it was after 8:00?

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7

1 A. Yes.

2 Q. Do you think it was after 9:00?

3 A. Possibly.

4 Q. Okay. Was it dark out?

5 A. Yes.

6 Q. And you were part of the entry team, is that correct?

7 A. Correct.

8 Q. Do you remember as part of the entry team what exact

9 position you were assigned to by Sergeant Kroll?

10 A. I was assigned to the ram.

11 Q. You were the person who was to ram the door?

12 A. Correct. Along with Officer Roger Smith, it's a two

13 man ram.

14 Q. That meant, tell me if I'm just inferring this  
15 incorrectly, did that mean that you were suppose  
to be

16 knocking the door down as opposed to knocking on



the

17 door?

have

18 A. Well, it could go either way. No-knocks we don't

knock,

19 to knock, we'll knock the door in. Knocks we

to

20 we give them a reasonable amount of time to come

21 the door, if they don't we can still knock it in.

22 Q. Do you remember what you did in this case?

no.

23 A. The door was unlocked, we did not have to ram it,

was

24 Q. Did you knock on the door when you saw the door

25 unlocked?

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8

see

1 A. Me, no. The point man always checks the door to

to

2 if it's unlocked and if it is then we don't have

3 ram it.

4 Q. Who was the point man?

5 A. The point man was Officer Tim Hanks.

6 Q. How long have you worked with Officer Tim Hanks?

done

7 A. I been on the SWAT team for four years now so I'd

8 two months of warrant service with him.

9 Q. Two months you say?

10 A. Yes, we do it in monthly rotations and I've  
actually

11 happened to have two warrant services with him  
so.

12 Q. Okay. In your report you stated the porch door  
and

13 the house door were unlocked?

14 A. Correct.

15 Q. How did you learn that information, you just saw  
that?

16 A. As we approached the house, like I said, Officer  
Hanks

17 checked the door, if it's unlocked then they go  
in.

18 Being the ram team we go in last.

19 Q. You also stated once inside you helped to clear  
the

20 first floor and all the people that were located  
on

21 the first floor. First of all, what was your  
plan

22 when you got to that house based on your  
briefing?

23 MS. NELSON: Object as vague.

24 Mr. Goins (Continuing)

25 Q. Was there a plan that was established at the  
briefing

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1 as to what you were going to do?

2 A. Well, there's no set plan. You don't say I am  
going  
3 to go to this room, then I'll go to this room and  
this  
4 room.

5 Q. What was the plan?

6 A. Essentially I was assigned to the ram, if the  
door  
7 needs breaching, I breach it. As the entry team  
goes  
8 in if there's a person in the back room they see  
them,  
9 they'll go there first. As opposed to no one  
being in  
10 the front door. You deal with the people as you  
come  
11 to them. You don't know what people will be in a  
12 house as you come to a house.

13 Q. You didn't know who you were looking for, right?

14 MS. NELSON: Misstatement of prior  
15 testimony.

16 Mr. Goins (Continuing)

17 Q. Did you know who you were looking for by name?

18 A. I don't recall.

19 Q. Do you recall whether or not you put that in your  
20 report, I'm showing you your report?

21 A. Right. No, I didn't put it in my report who we  
were  
22 looking for.

23 Q. You didn't put a description in your report of  
who you  
24 were looking for, did you?

25 A. No.

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10

1 Q. As you sit here today, do you have any  
recollection of  
2 any description of at all race, gender, anything?  
3 A. I don't have a recollection, no.  
4 Q. In fact, so when you got to the first floor of  
the  
5 house you didn't really know what you were  
suppose to  
6 do other than what? It is a bad question but I  
think  
7 you understood it.  
8 A. Just like any search warrant, we were given  
9 information there was an armed suspect in there.  
It  
10 doesn't matter who is in the house, if we have  
11 information that there is weapons everybody is --  
12 Q. Sorry to interrupt you, who told you there were  
13 weapons in the house?  
14 A. Sergeant Smolski said there was an armed robbery  
15 suspect staying at the address.  
16 Q. Do you know by the way if anybody did any  
perimeter  
17 surveillance when you got to the house?  
18 A. I don't know. That's not our job.

team? 19 Q. So that would be done by the CRT team or the CRT  
20 A. Correct.  
that 21 Q. When you got there, did anybody from CRT tell you  
22 they'd done any perimeter surveillance?  
23 A. No, not that I recall.  
24 Q. Do you know what a threshold reappraisal is or  
25 sometimes called threshold appraisal?

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11

1 A. No.  
2 Q. You don't know the term?  
3 A. No.  
warrant 4 Q. No one ever told you with a no-knock search  
what is 5 when you arrived at the threshold of the door,  
6 that?  
7 A. Entrance of the door.  
threshold 8 Q. Anybody ever taught you when you get to the  
9 of a residence with a no-knock warrant, the 4th  
10 ammendment and/or the Minnesota constitution may  
11 require that you appraise whether or not you  
should 12 knock and announce?

for a 13 MS. NELSON: I object, it calls  
14 legal conclusion.  
calls 15 MR. GOINS: No, it doesn't, it  
16 for what he's been trained on.  
17 THE WITNESS: If we've given  
allowed to 18 information it's a no-knock warrant, we're  
19 go ahead and hit the door.  
20 Mr. Goins (Continuing)  
21 Q. Who told you that?  
knock, 22 A. That's the way I've -- on a knock warranat we  
23 give them a reasonable time to come to the door,  
if 24 they don't come we hit the door. If not it's a  
25 no-knock it's for our safety. If the Judge deems  
it's

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12

allowed to 1 a no-knock warrant as far as safety, we're  
2 hit the door.  
3 Q. My question still stands. Has anybody ever  
taught you 4 the concept of threshold reappraisal?  
5 A. No.

6 Q. You don't know about that?

7 A. No.

8 Q. Have you had training specifically about the  
execution

9 of no-knock search warrants?

10 A. As far as going into legal aspects of it?

11 Q. Yes.

12 A. No.

13 Q. So nobody has ever trained you about the issue of  
you

14 whether or not if you have a knock warrant that

15 have to knock and wait a reasonable time, is that

16 correct?

17 A. Right.

18 Q. Have you had training about what I just said?

19 A. Well, I don't think it would be -- no, not in the  
for an

20 specifics of going to a class and they sit down

21 hour and teach us, no. Obviously, when it's a  
knock

22 warrant we knock and give a reasonable amount of  
time

23 to answer the door.

24 Q. Who told you that that is something you're  
suppose to

25 do?

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1 A. I don't recall who told me that.

2 Q. Just something you learned in the field?

3 A. Sure.

4 Q. Did anybody tell you any specific instructions  
about  
ram  
is  
5 what you were suppose to do as the person on the  
6 as Officer Roger Smith in the event that the door  
7 open?

8 A. In the event the door is open?

9 Q. Yeah.

10 A. In the event the door is open, the point and  
cover man  
11 make entry first.

12 Q. Who were they again?

13 A. Officer Hanks and Sergeant Kroll.

14 Q. So Officer Kroll -- Sergeant Kroll was the first  
one  
15 to go in?

16 A. Officer Hanks would have been the first one.

17 Q. And Sergeant Kroll would have been right behind  
him?  
18 A. Correct.

19 Q. How were they armed, if you recall?

20 A. I don't recall. Sub guns I'm sure. I don't know  
21 exactly what.

22 Q. For the rest of us out in the studio audience,  
what is  
23 a sub gun?

24 A. Sub machine gun.



25 Q. It's an automatic weapon?

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14

1 A. Yes.

firing 2 Q. If you fire the trigger it will fire and keep

3 as long as there's ammunition?

4 A. If the safety is off.

5 Q. Sure.

off. 6 A. I don't know if they run with the safeties on or

7 Q. You don't know either way?

8 A. No.

sub 9 Q. In fact, did you see Sergeant Kroll point that

10 machine gun at someone on this particular day?

11 A. No.

throughout 12 Q. Did you keep Sergeant Kroll in your vision

13 the entire search?

14 A. No.

be 15 Q. You don't know whether he did or not, would that

16 fair to say?

17 A. No.

Hanks? 18 Q. How about Officer Hanks, it's not Hand, it's

19 A. Hanks.

20 Q. We may have had the wrong name on something. As  
far  
21 as Officer Hanks, did you see him with a sub  
machine  
22 gun?

23 A. Yes.

24 Q. Do you know if he had the safety off?

25 A. No idea.

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15

1 Q. Did you see whether he pointed that sub machine  
gun at  
2 anyone?

3 A. Didn't see.

4 Q. Did you have your handgun out after you dropped  
the  
5 ram?

6 A. Yes.

7 Q. Do you drop the ram, do you just drop it to your  
side  
8 or what happens?

9 A. We make a decision at the door who drops it.

10 Q. Who dropped it?

11 A. I don't recall.

12 Q. You had your handgun out?

13 A. Yes, once I made entry into the residence I did.

14 Q. What did you have with you?

15 A. At the time it was my Beretta, 92 FS.

16 Q. Now what do you carry?

17 A. Sig Saur PT 220.

18 Q. S-i-g S-a-u-r?

19 A. PT 220.

20 Q. How many rounds did you have in your Beretta?

21 A. In the magazine 15 and one in the chamber.

22 Q. Did you have the safety off?

23 A. Yep.

24 Q. Who did you point your weapon at?

25 MS. NELSON: Objection, misstates

prior

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16

1 testimony, assumes facts.

2 Mr. Goins (Continuing)

3 Q. I don't think I ever asked him but go ahead. Who

did

4 you point your weapon at?

5 A. I don't know exactly the names. There was, like

I

6 said, a group of females and some kids in the

living

7 room area.

8 Q. Was there an elderly female who you pointed your  
9 weapon at?

10 A. I don't recall.

11 Q. How about any small children, did you point your  
12 weapon at them?

13 A. The small children were on the laps of the  
females.

14 Q. You pointed your weapon at those children if they  
were  
15 in the laps of the female that you pointed your  
weapon

16 at?

17 MS. NELSON: Objection, compound  
18 question.

19 THE WITNESS: Go ahead?

20 Mr. Goins (Continuing)

21 Q. You can answer?

22 A. Like I said, when I came in I went to the right.

23 There was a group of females, I don't remember if  
I

24 individually pointed my gun at each person, I'm  
sure

25 it was in the general direction.

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17

1 Q. Why did you do that?

2 A. Like I said earlier, when we go into a building

or

want

the

we

time

suspect.

actually

give me

guns

to

crime

3 residence where there is known to be weapons we  
4 to be able to see their hands, we want them on  
5 ground and we want to be able to handcuff them so  
6 don't get injured.

7 Q. Who told you there was known to be weapons at the  
8 you went in the residence?

9 MS. NELSON: Objection, asked and  
10 answered.

11 THE WITNESS: Armed robbery

12 Mr. Goins (Continuing)

13 Q. Armed robbery suspect doesn't mean there's  
14 weapons, correct?

15 A. I don't agree with that.

16 Q. I'm not asking you to agree, I'm asking you to  
17 an answer?

18 A. That it doesn't necessarily means that there's no  
19 in there?

20 Q. Right.

21 A. You commit armed robbery with a weapon, correct?

22 Q. I'm not going to answer questions, you are going  
23 answer questions.

24 A. My point is if there's weapon involved in the

25 and that's the person we go after, there is a

chance

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18

1 there were weapons in the house.

2 Q. You thought there was a chance there were weapons

3 there, you were speculating there were weapons

there,

4 correct?

5 A. Sure.

6 Q. Did you see the search warrant?

7 A. I did not.

8 Q. Nobody showed the search warrant at the briefing?

9 A. I don't know, they don't show it to the officers,

it's

10 over viewed by the sergeants.

11 Q. You were never told what to look for?

12 A. We don't do the searches.

13 Q. When you go in as ERU, you don't really know what

the

14 scope of the search is, right?

15 A. We don't search. Like I said, our job is to

clear and

16 make sure the house is code 4, everything is

under

17 control.

18 Q. Right. But Officer Toscano, what I'm trying to

19 understand, first of all, you know what the

concept of

that 20 the scope of the search is, you been trained on

21 right?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes.

for 25 Q. You didn't know what the scope of the search was

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19

1 this residence at 3845 2nd Avenue South on that  
2 particular day January 13, 2005, correct?

3 A. We went to the briefing, we were advised there

was a

4 suspect from an armed robbery staying at the  
house.

5 Q. You were never shown a photograph, right?

6 A. I don't recall.

7 Q. You weren't given a description that you recall,  
8 correct?

9 A. That I recall, correct.

10 Q. You didn't know the scope of the search, correct?

11 A. I don't agree with that.

12 Q. What was the scope of the search?

13 A. I think your question is misleading.

the  
14 Q. If you want to editorialize, fine. Did you know  
15 scope of the search, yes or no?  
16 A. Our job is not to search for particular weapons,  
17 drugs.  
18 Q. I don't want to waste time, I understand that. I  
want  
19 to move along because I've got a lot of officers  
to  
20 talk to. My question is did you know the scope  
of the  
21 search?  
22 A. No.  
23 Q. Okay. Thank you. So you didn't know that the  
search  
24 warrant actually was to look for potentially a  
hand  
25 gun, correct?

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20

1 A. Correct.  
2 Q. Right. So you didn't know exactly who you were  
3 looking for and nevertheless when you went into  
that  
4 house, you pointed your handgun at females and  
small  
5 children, correct?  
6 A. I didn't say that I didn't know who I was looking  
for.



7 I said I don't recall at the time.

8 Q. So you don't have any idea as you sit here today  
who

9 you were looking for?

10 A. At the time --

11 Q. Yeah?

12 A. I don't know if I was given a picture or  
description

13 or not and now I can't remember if I was or not.

14 Q. Did you think you were looking for females or  
small

15 children on their laps?

16 A. No.

17 Q. Okay. You said in your report that once inside I  
18 helped to clear the first floor and all people  
that

19 were located on the first floor. Would you  
explain to

20 me what you mean by clear?

21 A. Just to make sure that everybody was under  
control, we

22 could see their hands, there was no weapons. In

23 normal cases they're handcuffed with flex cuffs.

24 Q. Did you cuff everybody?

25 A. I didn't cuff anybody.

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1 Q. Who did?

2 A. I don't know.

3 Q. Did you see if these people got cuffed though?

4 A. I don't believe that the females were handcuffed.

5 Q. Okay. Who got cuffed?

6 A. I don't know, I can't testify as to what other  
people

7 did.

8 Q. I'm not asking what other people did, I'm asking  
if

9 you saw the people cuffed?

10 A. I don't know.

11 Q. Okay. You also said in your report in the living  
room

12 there were three black females and two children,  
you

13 went on to say they were all uncooperative?

14 A. Correct.

15 Q. What does that mean, they were all uncooperative,  
sir?

16 A. Like I said, when we make the entry we want  
people on

17 the ground, we want to be able to see their  
hands.

18 These females were screaming and yelling, they  
were

19 telling me that they were going to get up, they  
wanted

20 to call the Mayor, they were screaming other  
things.

21 I don't remember exactly what they were yelling.  
They

22 were not cooperating in listening to my orders.

23 Q. Did they appear to be afraid?

getting 24 A. I don't know. I wouldn't say so. They were  
25 up and going to try to use a telephone.

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22

male 1 Q. Now you also said in your report, the older black  
you 2 kept sitting up and telling me to shoot him. Did  
3 ever identify who that person was?

4 A. No.  
had a 5 Q. Then you go on to say, due to the fact that he  
not 6 stint in his arm, we did not flex cuff him. I'm  
right? 7 trying to be a real jerk but you mean is stent,

8 A. I don't know.

9 Q. You meant a stent like a medical stent?

10 A. Right, correct.

away 11 Q. All right. Due to this it took our attention  
up 12 from the other occupants because he kept sitting  
13 and yelling at us. When you said that that older  
was 14 black male was sitting up, was he on the ground,  
15 he on a chair, what do you mean, was he in a bed?

16 A. He came from the hallway off to my left, somebody  
17 brought him in there, had him get down on the  
ground.  
18 He initially got on the ground then he kept  
trying to  
19 stand up.  
20 Q. How old would you say this person appeared to be,  
an  
21 estimate?  
22 A. Sixty, 65.  
23 Q. Possibly 69?  
24 A. Possibly.  
25 Q. And did he appear to be in good health?

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23

1 A. I don't recall.  
2 Q. Well, you saw that he had a stent in his arm so  
he  
3 apparently had some medical condition, correct?  
4 A. Possible.  
5 Q. Who placed him on the ground then?  
6 A. I don't recall.  
7 Q. Do you know why they placed him on the ground?  
8 A. That's what we do on every warrant, people go on  
the  
9 ground and they are handcuffed.  
10 Q. Even people who are sick go on the ground?

11 A. Yes.

12 Q. And was he showing any signs of not cooperating?

13 A. Yes.

14 Q. When?

15 A. As soon as I made contact with him.

16 Q. How did you make contact, tell me about that?

17 A. Like I said, there was a wall, I was standing  
here in  
he  
immediately he  
18 the living room area, he came out of the hallway,  
19 was placed on the ground to my left and  
20 started standing up telling me to shoot him, just  
21 shoot him. (Witness indicating).

22 Q. You didn't take him seriously though, did you?

23 A. No, I told him to get back on the ground.

24 Q. How long did it take you to clear the second and  
third  
25 floors and then turn the scene over to Sergeant

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24

1 Smulski's team?

2 A. I never left the first floor. I can't recall how  
long  
3 it took to clear the rest of the house.

4 Q. You said in your report, once the second and  
third

5 floors were cleared we turned the scene over to  
6 Sergeant Smulski's team. Do you see that?  
7 A. Yes.  
8 Q. Your supplement is Supplement 2, is that right?  
9 A. Yes.  
10 Q. I'm trying to find out how long did that take  
from the  
11 time the point man went in, Officer Hanks, to the  
time  
12 you cleared and turned it over to Sergeant  
Smulski's  
13 team?  
14 A. I can't give you an exact time, I don't know.  
15 Q. Give me an estimate?  
16 A. I know it was a larger house. I don't know, I  
17 can't -- less than fifteen, more than five  
minutes.  
18 Q. That's fair. Did you use force on anyone other  
than  
19 -- when I say force I mean other than what you  
would  
20 call command tone, pointing your weapon at  
someone, or  
21 placing the older gentleman on the ground, did  
you use  
22 any other force along the force continuum?  
23 A. I didn't place the old man on the ground, another  
24 officer did.  
25 Q. Who was the other officer?

25

to  
see the  
hallway.

1 A. Like I said, I don't know. My attention is drawn  
2 the right with the females who were screaming and  
3 yelling at me. Out of the corner of any eye I  
4 movement, he goes on the ground, there was a

search

5 Q. Did they ask you if they had a search warrant?  
6 A. That's another thing. They wanted to see the  
7 warrant.

8 Q. Why didn't you show it to them?  
9 A. I don't have the search warrant.  
10 Q. Who did?

11 A. Sergeant Smulski's team.  
12 Q. Nobody ever showed these people the search  
warrants,  
13 during the time your team is in there, did anyone  
show  
14 them a search warrant?

15 A. No.

16 MR. GOINS: Thanks. Next.

17 MS. NELSON: We'll read and sign.

18

19

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\* \* \* \* \*

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VERIFICATION

3

I, Geoffrey Toscano, the undersigned, do hereby

4

certify that the foregoing deposition of my testimony

is a

5

true and correct reproduction of same, except for the

6

following changes if any, stating the page and line

number

7

of said change; also stating the reason.

8

Page

Line

Change

Reason

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22 Geoffrey Toscano Date  
23 \_\_\_\_\_  
24 WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of  
\_\_\_\_\_,  
25 2007.

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27

1  
2 STATE OF MINNESOTA )  
3 )  
4 COUNTY OF WASHINGTON )  
5 I, Lorie M. Jensen, Notary Public, Washington  
County,  
6 Minnesota, took the foregoing deposition of GEOFFREY  
7 TOSCANO, that the witness was by me first duly sworn;  
8 That the testimony was transcribed under my  
direction

9 and is a true record of the testimony of the witness;  
10 That the cost of the original has been charged to  
the  
11 party who noticed the deposition, and that all parties  
who  
12 ordered copies have been charged at the same rate for  
such  
13 copies;  
14 That I am not a relative or employee or attorney  
or  
15 counsel of any of the parties, or a relative or  
employee of  
16 such attorney or counsel;  
17 That I am not financially interested in the  
action and  
18 have no contract with the parties, attorneys, or  
person  
19 with an interest in the action that affects or has a  
20 substantial tendency to affect my impartiality.

21 Dated this 19th day of February, 2007.

22

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Public

23

Lorie M. Jensen, Notary

24

Washington County, Minnesota

25